

State of Missouri
Department of Public Safety

Crime Laboratory Review Commission



2021 Annual Report

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FOREWORD

The Missouri Crime Laboratory Review Commission (hereafter “Commission”) was established within the Department of Public Safety to provide independent review of any state or local Missouri crime laboratory receiving state-administered funding. In addition, the Commission is tasked with assessing the capabilities and needs of Missouri’s crime laboratories, as well as their ability to deliver quality forensic services in a timely manner to the law enforcement agencies in the state of Missouri.

The COVID-19 pandemic of 2020 created myriad challenges for Missouri’s crime laboratories impelling them to pivot in order to continue to meet the needs of their customers while maintaining high-quality and timely forensic services. Adaptations were necessitated for laboratory staffing, evidence submissions, shortages of PPE and other laboratory supplies and cancelled professional training. The pandemic also brought about significant changes in how DNA audits and laboratory accreditation assessments are accomplished. Many of these challenges will continue into 2021 and potentially beyond.

A recurring recommendation of the Crime Laboratory Review Commission has been the need for more funding for Missouri’s crime laboratories to reduce the backlog and assist with case triage. In 2021, the Missouri State Highway Patrol Crime Laboratory was asked by the Missouri Department of Public Safety (DPS) to put together a proposal for a new State Crime Lab in Jefferson City using \$104 million of the State’s American Rescue Plan Act of 2021 (ARPA) funding. In addition to dedicated laboratory areas for discipline-specific testing and other forensic testing activities, the proposal includes training labs, classroom and auditorium space, as well as amenities for forensic science research and development of new testing protocols. The proposal also integrates infrastructure to partner with Missouri’s local crime laboratories to conduct forensic science training, validations and research.

The 2021 Annual Report is a comprehensive report summarizing the activities of the Commission during calendar year 2021.

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SUMMARY OF ACTIVITIES

The Missouri Crime Lab Review Commission (hereafter “Commission”) was established in 2009, pursuant to House Bill 62, within the Department of Public Safety to provide independent review of any state or local Missouri crime laboratory receiving state-administered funding.

Pursuant to 650.059 RSMo, the Commission shall have the power to:

- (1) Assess the capabilities and needs of Missouri crime laboratories, as well as their ability to deliver quality forensic services in a timely manner to law enforcement agencies in the state of Missouri;
- (2) Authorize independent external investigations into allegations of serious negligence or misconduct committed by employees or contractors of a crime laboratory substantially affecting the integrity of forensic results. The commission shall solicit input and guidance from any appropriate expert as it deems necessary in the investigation process;
- (3) Appoint members to inspection or investigative teams to assist in carrying out the duties described in subdivisions (1) and (2) of this subsection;
- (4) Issue reprimands to crime laboratories and to employees or contractors of crime laboratories found to be negligent or engaging in misconduct in the execution of their responsibilities;
- (5) Make recommendations for changes in procedure of crime laboratories found to be negligent in the execution of their responsibilities; and
- (6) Issue reports to the director of the department of public safety summarizing any findings of negligence or misconduct of a crime laboratory or an employee or contractor of a crime laboratory and making recommendations regarding revocation or suspension of grant funding that the commission deems warranted.

No allegations of serious negligence or misconduct were received by the Commission in 2021.

The Commission meet in person with the Missouri Association of Crime Laboratory Directors (MACLD) at the MSHP General HQ laboratory on September 17, 2021. Topics of discussion with the directors included:

- (1) Rapid DNA testing at the local and state level,
- (2) The Attorney General's Office SAKI (Sexual Assault Kit Initiative) grant and laboratory testing of sexual assault kits,
- (3) Challenges in training and retaining qualified laboratory personnel,
- (4) Communication between crime laboratories and prosecutors and the lab's proactive efforts to improve communication to better serve Missouri's jurisprudence,
- (5) The positive effects of crime laboratories' involvement in community engagement activities.

There was also discussion on the vacant prosecuting attorney position on the Commission. The position has been vacant since Ted Hunt resigned in 2017. The position remains vacant as of the publication of this report.

The Commission and directors toured the Missouri State Highway Patrol Crime Laboratory's recently expanded DNA section which became operational earlier in the year.

RECOMMENDATIONS

The following recommendations were previously included in the 2015 - 2020 Annual Reports, and are included in this 2021 Annual Report as they remain relevant and require attention:

1) The Need for Better Communication and Coordination Between Missouri Crime Laboratories, Law Enforcement, and Prosecuting Attorneys

The Commission identified the need to improve communication and coordination between Missouri's crime laboratories, law enforcement, and prosecuting attorneys to help the state's labs make the most efficient and effective use of their limited resources while making real progress toward the long-term reduction of testing backlogs.

Progress on this issue will require 1) law enforcement agencies that submit evidence analysis requests to more precisely identify the investigative questions that forensic analysis of submitted items may help answer in the factual context of each case; 2) better communication between law enforcement, prosecutors, and laboratories at the inception of major cases to more effectively "triage" submitted evidence and make reasoned and targeted requests for analysis of the most probative items of evidence in light of case context; 3) ongoing communication between prosecutors and laboratories after criminal charges have been filed to facilitate timely supplemental analysis requests as contested issues and case theories evolve; 4) timely notification by prosecuting attorneys to laboratories that cases in which evidence was submitted for analysis have been disposed of by declination of charges, dismissal, or other judicial disposition; and 5) regular meetings between top management of crime laboratories and their regional customers to discuss ways in which to enhance the overall ability of Missouri's crime laboratories to most efficiently and effectively deliver high quality outputs to the criminal justice system.

The Commission believes that the statewide and consistent implementation of these five recommendations will help maximize available resources while improving the timeliness and quality of laboratory services.

2) The Need for More Funding to Reduce the Backlog and Assist With Case Triage

The Commission identified the need for additional funding for Missouri's crime laboratories to reduce case backlogs and assist with case triage. Additional funding will enable crime laboratories to more effectively process backlogged cases. While limited federal funding is available to reduce DNA backlogs, sustainable funding is needed to address the backlogs in other forensic disciplines such as firearms, drugs and toxicology. Funding to improve communication and coordination between submitting agencies, prosecutors, and laboratories when evidence is submitted from major cases will enable laboratories to better evaluate requests for forensic analysis.

The Commission believes that additional funding for backlog reduction and case triage will improve the effectiveness and timeliness of the forensic services provided by Missouri's crime laboratories.